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THE MORAL ASPECTS OF THE REFERENDUM.

Our subject is the Moral Aspects of the Referendum, and in treating it I shall endeavor first of all to state what the Referendum is, separating it as far as possible from any superfluous connotations of sentiment or prejudice; and then proceed to consider its moral aspects from three points of view; the point of view of the causes which have brought it into existence, the point of view of its effects, and that of its general ethical significance.

In the first place then and prior to all discussion, it should be borne in mind that the "Modern Referendum," which is based upon the idea of popular sovereignty, is not proposed as a substitute for the Representative System but as a modification or corrective of it. And this seems a necessary thing to say because the Referendum is so often opprobriously described by partisan opponents as rule by town meeting or as the practical elimination of representative government. But even so extreme and visionary a sentimentalist as Rousseau expressly declares in his "Contrat Social" that large and populous countries cannot be ruled by town meeting, and frankly admits, moreover, the necessity of representatives. And when we come furthermore to matter of fact we learn that the Modern Referendum, whether in its optional or obligatory form, means nothing more than an appeal, on certain matters of constitu-

tional or statute law as the case may be, from the duly authorized legislative representatives to the whole body of constituents who elected them. It does not contemplate the elimination of the Representative System, it rather implies its existence both as antecedent and associate; for although, upon a sufficiently insistent popular demand the Referendum can, in certain places and under certain circumstances, be taken with or without the consent of the Legislature, this is due not to anything in the nature of the Referendum itself but to another device of popular government called the Initiative. The action of the Referendum pure and simple is but the ratification or rejection by a majority vote of laws or measures framed elsewhere by representatives in convention or legislature assembled.

It should also be remembered that the Modern Referendum is not a political instrument of exclusively foreign manufacture—Australian or Swiss—but is also a home product. The Cantons of Switzerland did not begin to submit constitutions to the suffrages of the people before the year 1830, and the custom did not become universal among them until the Federal Constitution of 1848 made it obligatory; whereas the General Court of Massachusetts so long ago as 1778 submitted to popular vote a constitution which was rejected and two years later one that is in force to-day. Likewise in New Hampshire a constitution, which was referred to the electors in 1779 and which was repudiated by them, was followed by another in 1788 which was accepted. Since that time the application of the Referendum to State constitutions has become almost universal in our land. In discussing the Referendum, therefore, we are not dealing with a foreign institution alone but with one that is of domestic origin as well.

Then again it should not be forgotten that the Referendum is not applicable to all laws even in Switzerland itself. It is indeed obligatory within the Confederation for all amendments to the Constitution, but in its optional form the Constitution requires that federal laws shall be submitted for adoption or rejection by the people only upon demand of thirty thousand active citizens or eight Cantons. It also goes on to say that,

under these circumstances, the Referendum is to be applied to all federal decrees that are of general application (*portee general*) and which have not the character of urgency. Just what a law or vote of general application really is the Constitution nowhere defines, but M. Droz, a former president of the Confederation, writes in his "Etudes" that, it was solemnly understood and with common accord, at the time of the revision of the Federal Constitution, that the annual budget and international treaties should not fall within the scope of the Referendum. Likewise the Constitution of South Dakota, one of our own Referendum States, after requiring "that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the State before going into effect" takes pains to add "except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the State government and its existing public institutions." It is to be noted then that both by practice and by constitutional provision the application of the Referendum has its limits.

Finally, the fact should be emphasized that the Referendum is not a radical or destructive instrument but one that is essentially conservative. It may obstruct beneficent legislation as well as that which is pernicious, but here its power ends. In other words its action is purely negative. It simply pronounces yes or no upon any proposed measure of legislation which is submitted to its vote. If it says "yes" the will of the legislature is carried into effect and becomes a law. If it says "no" the *status quo* is maintained in its integrity; all things remain as before. The Referendum is therefore conservative in character and does away with nothing that exists.

It is to be noticed, however, and this is most important, that in the Referendum vote the people take a direct although limited share in legislation. They do not indeed formulate the law, neither do they debate it except in their public meetings, homes or clubs, but they render through the ballot an ultimate judgment upon it. Under a purely representative system the people delegate the law-making power to their representatives in Congress or Parliament assembled and it is these represen-

tatives alone who exercise the power and evolve the law; whereas the Referendum, on the other hand, gives the people, under certain conditions, the right of veto. Law is not Law in other words, wherever the Referendum is legally applicable, until the people ratify it. Hence the Referendum so far as it goes is direct popular participation in the making of the law.

Such being the essential nature of the modern Referendum it becomes our present duty to discuss it in some of its more important moral aspects.

And first of all what is its ethical aspect when regarded from the point of view of the causes which have led up to it? What are these causes? Undoubtedly the chief cause is the manifests defects and corruptions of representative government; but back of this relatively proximate cause is the fixed conviction upon the part of the advocates of the Referendum of the sovereignty of the people and of their right to legislate and rule: the firm assurance, to which as Mr. Bryce says, "all civilized nations have come back," that the ultimate source of law and power resides in the will of the community. It is from the people that the great body of the common law has issued and it is to the people again that we must go for the ultimate arbitration of dispute and the closure of debate. It was the people who legislated in the *Comitia* of ancient Rome, the *Folk-moot* of the English and the *Landesgemeinden* of the Swiss; and wherever they have delegated this sovereign legislative authority of theirs to others, both tyranny and corruption have ensued. Such have been the consequences under the Representative System as well as under the prior dominion of kings and emperors; and therefore, it is urged, the people should claim and exercise their sovereign right to make the law. It is not for the good of the community that the sovereignty of the people should be merely nominal or rest in abeyance. It should be actively employed and make itself felt in the legislation of the land. Such is the fundamental ground on which is based the plea for a direct participation upon the part of the people in legislative acts.

But by far the most potent cause is that which has furnished the practical occasion for this fresh declaration of the doctrine

of popular sovereignty, viz. : the defects and corruptions of representative government. It is admitted on all sides that the system of representation as at present constituted does not represent the people at large; for while some classes are represented to an extent out of all proportion to their lawful needs and actual numbers, other classes such as the trades and laborers and artisans are hardly represented at all. It is said of course, that in the United States at least, every man has a vote: but it should be remembered that a vote does not by any means secure representation, whereas a wealthy merchant may obtain the legislation he desires without ever giving himself the trouble of going to the polls.

Quite as glaring, too, as the defects of the Representative System and even more menacing to the public good is the corruption which is rife in almost every representative body as well as the ignorance and low moral tone of many of the representatives. It was expected when the Representative System was inaugurated that it would be a matter of pride as well as of interest with the community to elect its very best men as its spokesmen and leaders. Such an expectation, as we all well know, has not been realized. Our State Legislatures in particular seem to be the greatest disappointment of all in this respect, for it is there that the malign personality of the Boss holds sway and, with the money of wealthy individuals or corporations in his pockets, makes and unmakes laws at will.

The evils of the Representative System are therefore great and grievous. Manifold also are the temptations to which the representative by virtue of his position is exposed. Unlawful usurpation of power individually or in committee, the illegal exertion of administrative pressure for personal or party ends and the demoralizing opportunity to obtain the prize of illegitimate riches, have all combined to impair or debauch the character of many representatives. Great political principles are forgotten or repudiated in the busy game of trafficking in spoils of office, whereas in the mad pursuit of partisan or private aims the people's good and the people's cause are for the most part abandoned.

In such a case it is no wonder that the Representative System

has lost its prestige with large numbers of persons and that many of them should have begun to cast about for some more adequate and honest means of achieving the ends of justice and of expressing the popular will. The Referendum is one of the most widely advocated of these means; and it is the ineffectiveness and corruption of representative governments which have in large part produced the desire to give it a trial. "Distrust of the representative and the delegate—or the middlemen of politics as the advocates of the Referendum prefer to call them—seems to be at the bottom of the present movement," says a correspondent of the *Evening Post* in speaking of the Referendum agitation in the West. And what is happening in this country is also happening elsewhere. "Wherever in Europe, west of the German Empire," writes Oberholtzer, "representative government has already established itself the next step seems to be the Referendum as a corrective of evils which have developed in the Representative System." "If good legislatures are unattainable," adds Mr. Bryce, ". . . then the system of direct popular action may be justified as a salutary effort of the forces which make for good government, opening for themselves a new channel." Thus it is that the evils of the Representative System have evoked over a wide area the demand for the Referendum.

One other cause which has contributed to the rise and spread of the Referendum doctrine deserves to be mentioned. It is its earnest advocacy by a small minority of high-minded men who have at heart the political education of the people. "The sovereign must be educated! The sovereign must be educated!" reiterates M. Numa Droz more than once in his invaluable Political Studies. "The deputies of the people should resign themselves," continues the former President of the Swiss Confederation, "to be no more than Counselors and should devote themselves to their political education." "Never defy the people," says M. Herr, another prominent Swiss, "go to them on the contrary with trustfulness, discuss with them, take account of their objections and antipathies, seek to conquer them by the sole force of persuasion and you will see that it is easier and better to govern with

the people than with the parliamentary groups." "Democracies do not admit that legislatures such as we see them are the last thing they have to try," wrote the late Mr. Godkin. . . . "There are signs of a strong disposition, which the Swiss have done much to stimulate, to try the Referendum. . . . Inasmuch as all important matters devised by the Convention are submitted to the people with eminent success there is no reason why all grave measures of ordinary legislation should not be submitted also."

Such then are three prominent causes which have led to the advocacy of the Referendum and its introduction into many places; and they present the Referendum in a threefold ethical aspect: the aspect of a measure to make the sovereignty of the people morally effective, the aspect of a measure which is to mitigate the evils of the present system of representative government, and the aspect of a measure which shall afford the electors of a country an opportunity for education in the judgments and activities of political justice.

Turn now to the ethical aspects of the Referendum when regarded from the standpoint of its effects. What these effects are may best be gathered from the political experience of the Swiss since it is only among them that the Referendum, as applied to ordinary statute law, has been in operation for a sufficient length of time to produce unmistakable consequences; consequences from which any legitimate inductions may be drawn. As one would naturally expect the results have been both favorable and unfavorable. Let us glance first at the unfavorable effects as well as those failures of the Referendum to induce the good results that were expected of it.

In the first place, it may be said that it has been a matter of keen regret to many of the more ardent believers in the Referendum that it has failed to excite that widespread interest in political matters which was hoped, if not expected of it. In Berne, for example, to quote Mr. Lowell, a majority of the citizens have taken part only in thirteen out of the ninety-seven referenda, and up to 1888 one law alone received the affirmative votes of half the qualified voters in the Canton. Even at national referenda, which excite a greater interest, the average

proportion of the voters in the Confederation who go to the polls is less than sixty per cent., and no law has ever been ratified by a majority of the qualified voters. Thus the apathy or indifference of almost one-half of the sovereign people to its royal right to legislate has been one of the disappointments of the referendum experiment; although it should in all fairness be said on the other side that to have evoked the interest of more than fifty per cent. of the community in purely legislative measures is no mean achievement in the direction of political education.

Then again, there can be no doubt that the Referendum has acted in many cases as an obstruction to progressive legislation. In Zurich, for example, a law proposed by the legislature which gave the daughters the same inheritance as sons in the parental estates was vetoed by a large majority; while many measures looking towards the improvement of the condition of the working man, the protection of female labor in the factories and the increase of the amount of education required in the public schools have suffered a like fate. In palliation of this seemingly inexplicable action upon the part of the people, and especially the workingmen among them, it should be added, however, that many of these legislative proposals which were at first rejected have subsequently been passed into law, and that the delay in the enactment of the law has effected a better understanding as well as a heartier endorsement of it in the end. In other words when the law was at last placed upon the statute book it had become the expression of a convinced and enlightened public opinion rather than the voice or conviction of a few trained experts and reformers.

It has also been alleged against the Referendum device that it has weakened the sense of political responsibility among the Representatives themselves, and that they devote less conscientious care to the study and elaboration of legislative measures which they know must be submitted to the people than they would if the results of their labors were final and beyond appeal. In reply to this, M. Droz admits that there is nothing perfect under the sun and that no political instrument can be devised which shall compel from every man the full discharge

of his responsibilities to the State. On the whole, however, while admitting that the charge is not without foundation in a few scattered cases, he denies that the effect of the Referendum has been to weaken the character of the Representative.

What he does admit, however, as an unfortunate effect of the Referendum is its tendency to develop politicians of a purely negative type of mind—the “*Neinsager*” as he calls them—“men who have at their head those misunderstood geniuses who only dream of sowing broadcast the discontent of their own hearts.” That the Referendum has been used as a basis of demagoguery M. Droz also concedes; and yet, in spite of everything that may be urged against it, it is a noteworthy fact that no party in Switzerland to-day would vote to give it up: not the Radicals because they regard the Referendum as a necessary feature of true Democracy: not the Conservatives because they believe it to be a salutary check to hasty and revolutionary legislation.

And this brings us to the good effects which may be fairly attributed to the action of the Referendum. Above everything else it has ameliorated the evil effects of party spirit and has assisted to a great extent in maintaining the integrity of the parties themselves. Undoubtedly the Referendum is not the only cause which has contributed to these results, and yet it can easily be seen that an instrument which gives the people the right to vote on each proposed bit of legislation must of necessity diminish the significance of party programmes and soften the asperities of party strife. The people may elect a representative and then reject any legislative proposal of his which is not to their liking. As a matter of fact they have done this ever and over again and the remarkable spectacle is herewith presented of a people retaining in public office men of whose political measures or opinions they not infrequently disapprove. The State, they say should not be deprived of the services of a valuable servant because he and his constituents are not agreed upon every point. Hence the Referendum has contributed on all hands to independence of judgment and intellectual honesty. Legislators are not deterred from expressing their real convictions through fear of losing office, and the

people are helped to that independent attitude of mind which the exigencies of strong party feeling are sure to weaken if not altogether to destroy.

Then, too, the Referendum has served to keep men mindful of principles and to enhance the importance of measures rather than of men. In countries where party spirit runs high the political leaders are apt to enjoy the blind devotion of their followers as well as the equally blind distrust or hatred of the rank and file of their opponents. Principles are forgotten in personal admirations or dislikes. "I wonder what that damned rascal Gladstone is about now," said a Tory squire once in my hearing as he unfolded the morning *Times* in the smoking room of a London hotel. For such a "good old Tory," as he is proverbially styled in England, hatred of the Liberal leader is of the very fibre of his party allegiance. And yet, however, he may commend himself to his political brethren by such ingenuous expressions of enmity towards the common foe, his state of mind can hardly be looked upon as one which is favorable to a dispassionate consideration of important public questions. So blind is it, in fact, to the real nature of such questions that it is able to revile and repudiate a Gladstonian Reform Bill at one session of Parliament and then, without the slightest suspicion of intellectual stultification, accept an almost identical measure from the hands of Disraeli at the next. So it is that in partisan politics the figure of the leader bulks big in the public view, and in the heat of the enthusiasm or hostility which he excites his measures are as unthinkingly supported as opposed.

In Switzerland on the other hand, "there may almost be said to be no party leaders," says Mr. A. Lawrence Lowell. In Switzerland, too, there are, for the nomination of candidates, no such national conventions as grace and illuminate our favored land—no conventions where the delegates feel themselves at liberty to renounce all rational functions in the decorous pastime of screaming themselves into a fool frenzy for a name. On the contrary, it is the measure that is emphasized in Switzerland rather than the man, and it is good government rather than party victory on which the great majority of the

electors are seriously bent. Parties indeed exist, but they may for the most part be characterized as associations of individuals who hold certain political principles in common rather than as rival organizations who struggle for the mastery or scramble for the spoils. In the production of this most enviable result the Referendum, because of the prominence it gives to measures and because of the opportunity it constantly affords for considering them and acting upon them, may be said to have had no inconsiderable share. It has helped to enlighten public opinion, has kept the representative and his constituents in closer touch than is possible under the purely representative system, and has led to the enactment of laws which, even if they do sometimes fail in realizing the perfection desired by the specialist, honestly express the will of the community. And such laws, despite their theoretic delinquencies, are the most effective ones after all; for they are, because of the backing of the people, sure of execution and, in the light of the defects which they may subsequently reveal, they are also certain of amendment.

Besides all this the Referendum acts, according to the competent testimony of M. Droz, as a valuable safety-valve. If trouble arises through the unpopular triumph of some parliamentary group the Referendum removes it. It serves to disengage the political atmosphere of the electricity with which for the moment it happens to be charged. By giving the people the last word it takes the sting out of parliamentary defeat and affords the minority a chance of explaining and defending its position before the public at large. If it is the people on the other hand who are discontented the Referendum presents them with an opportunity of expressing their displeasure at the way in which their affairs have been conducted and of rejecting the measures that are not to their taste. The deputies, for their part, take due note of the condition of the public mind and place their legislative proposals once more upon the stocks for revision or amendment. Thus nothing in the Confederation is compromised, dangerous explosions which often result in revolutions are avoided and the peace of the land is preserved and strengthened.

On the whole, then, and to sum up, it may be said with positive assurance that the Referendum in Switzerland, despite its manifest shortcomings and defects, has been a marked success. It is true that it has not realized the roseate anticipations of its more ardent advocates, but neither has it justified the gloomy forebodings of its bitterer opponents. In the main, however, it has accomplished the result for which it was originally introduced. It has contributed to the enlightenment of public opinion and helped it to express itself; it has promoted intellectual integrity among both representatives and people and encouraged a better understanding between them; to the surprise of Radical and Catholics alike it has been conservative in its effects instead of revolutionary; and above everything else it has furthered the spread and maintenance of peace and justice. With such results as these to be in part set down to its credit the Referendum cannot but present a favorable aspect to the moral eye. Judged by its fruits it has done but comparatively little harm and aided in the achievement of much undoubted good.

It does not follow, however, as many authorities unite in reminding us, that because of its successes in Switzerland the Referendum in its Swiss form could be introduced with advantage into other countries. In social environments which were unprepared for it by usage and tradition it would no doubt produce more harm than good, while in the hands of a strongly partisan community it would be almost sure to be an instrument of evil. Neither is it true, on the other hand, that because of its success in Switzerland the Referendum can be fairly regarded as the only or even the chief means to be employed in correcting the evils of the Representative System. Large numbers of people, particularly in the Western States of our own Union, seem to have become possessed of the idea that if the Referendum and Initiative be but universally adopted and the people obtain the right of legislating for themselves the chief political evils of the day will be removed. But such a conclusion is far from being justified by the facts. Not only is the Referendum, even in Switzerland itself, an imperfect and fallible expedient, but something more than a mere

yes-and-no vote upon proposed legislation is required if the ends of political justice are to be subserved. M. Charles Benoist, for example, has proposed, as a means of meeting the present crisis, a more thorough and comprehensive organization of the national life. It is in short a juster and more adequate system of representation on which he rests his hope of political progress and security. Now that there is a crying need for the reorganization of the Representative System upon some fairer principle than the one in vogue at present there can be no smallest doubt. Certain sections of the community are unduly represented in House or Parliament while others fail almost altogether of any representation at all. But this is a problem the Referendum does not touch and cannot solve. Too much must not, therefore, be asked or expected of the Referendum. Not only have we no right to presume that because of its good results in one country it will be equally beneficial elsewhere, but we are also without warrant for the assumption that it is above all others the one thing needed to make our legislation what it ought to be.

We are not at present concerned with the expediency or in-expediency of introducing into this or any other country the Swiss form of Referendum. Neither are we primarily concerned with its political efficacy anywhere, but with its moral significance. The Referendum, or a measure for affording the people direct participation in the making of the law, has appeared in our modern world. In its more extreme form of application to the ordinary statute law it has operated successfully for a few brief decades and within the limits of a very small land. What then is the ethical significance of this political phenomenon? What is its moral meaning? Such is the ultimate question whose answer forms the conclusion of our present task.

And in beginning this answer it is to be noticed at once that the ethical significance of the Referendum is not to be measured by the sum of its small successes or by the size of the area within which it has been worked. It is universally admitted that Nazareth has had an ethical significance for the human race wholly out of proportion to its physical bulk or civic im-

portance. The same may be affirmed of the Referendum. In itself it is but an imperfect measure whose span of life has been short and whose sphere of operation small; but young as it is and few as have been its activities it is the sign or symptom of a momentous movement which both outgoes and dwarfs its own more modest proportions. And this movement, what is it? It is composed of those great spiritual forces which make for self-government, political justice and moral progress; the forces which are opening up into the consciousness of the sacredness of human life and its right to a political education: the consciousness of the responsibility of citizenship and its need of a juster judgment and more active participation in civic functions: the consciousness that as are the people so is the State, and hence that law and justice are not matters of moment to rulers and legislators alone but to the whole political body: the consciousness that law and justice are of the very essence of the spiritual life and that they issue in the last resort, not from the thunderous summit of some Sinai or from the lips of some favored lawgiver, but from the very depths of that common moral nature which is the possession and prerogative of man: the consciousness that if law and justice are ever to prevail and society redeem its moral promise, it can never be through the evolution of a few gifted experts alone but by the development of that common intelligence and conscience in which all people share. Of this great movement the Referendum is significantly symptomatic and its ethical importance subsists in the fact that it calls our attention to it. It brings our thoughts back to the people and insists upon the need of their political education. It is not enough that the people shall be governed and taught to obey. It is not enough that they be permitted to elect their own representatives who shall in all political matters act for them and in their stead. The political education of the people demands that they shall function themselves and take an active part in the construction of that great home of justice in which they and their descendants are to dwell.

There is much indeed that they must delegate to others, but there are certain functions they dare not renounce, just as there are certain moral impulses they dare not permit to perish. In

the interest of social progress I may delegate to my tailor the task of making my clothes and to my shoemaker the problem of fitting my stubborn foot. I consent to let the tailor and the shoemaker within me die in order that the statesman or the clergyman may live. And this I may do without impairing my effectiveness as a citizen or my character as a man. But there are also functions I cannot resign to others except at the cost of moral degeneration or enfeeblement. I dare not entrust my conscience to the keeping of the priest nor delegate my sense of justice to a representative. I dare not delegate to others my interest in the public weal or my responsibility as citizen to State and native land. All men are not born physicists or poets but all men are by nature, as Aristotle reminded us centuries ago, political animals. Law is not primarily a command impressed upon mankind from without, but a principle inherent in the very structure of the mind; and government plays an important role among the anarchies and tumults of the personal spirit as well as among the dissensions and disturbances of social groups. While, therefore, I may renounce my dreams of poesy or science without impairing character or manhood, I cannot delegate away my natural political functions without an injury to both. They are part and parcel of my very being and to grant a commission to others to discharge them in my stead is to become a slave or a recluse.

The more specific duties of certain political offices I must indeed assign to my more competent fellows; for not every man is called to be a policeman or a President any more than he is born to be a physicist or a poet. As a citizen of the State therefore I may assist in the delegation of official functions to my more highly gifted neighbors: the public acts of government I may in company with others require of the few. The official embodiment and expression of the common political life may then be entrusted to the delegates but not the life itself, for that life is the common birthright of us all. When therefore I have cast my vote for the required number of delegates, I have no right to bury myself in the bosom of my family or the details of my business and say to myself that now the polling is over it is the delegate's business to look after the State. The life of the State is every man's business because every man is

by nature a political being of whom, to be a man, a political life is required. That life, in the interests of the individual and State alike, demands development; its experience needs to be enriched, its judgment matured, its convictions ripened, its moral fibre strengthened, its activities increased. Its vigilance dares not be relaxed for a moment, for in that moment the public treasury is impoverished and the liberties of the people are curtailed or lost. The delegate is therefore a necessary feature of political government, but because he has ever been tempted to play the tyrant or the robber, he needs to be forever reminded of his responsibility to an intelligent and high minded people whose political life it is his duty to develop, not destroy. While therefore it is true that no man can do everything, it is equally true that there are certain common political duties which are required of us all, and which no one can forego without a personal injury to himself and a detriment to the nation at large. Hence it is that the political education of the people is essential to the welfare both of the individual and the State, and the Referendum is of great ethical significance in that it reminds us of it.

Furthermore it must be said that as the delegate or representative is an essential feature of the modern State, so is it also essential to her stability and health that the best and fittest of her citizens be chosen to fulfill her governmental duties. All men are not endowed with equal talents and abilities, while some are peculiarly qualified by technical knowledge and experience to occupy specific posts. It is also for the advantage of the whole body politic that these posts be theirs. In other words, in the highly differentiated structure of the modern State the services of the trained expert are urgently required.

Now it has been argued as against the Referendum that it would do away with the expert or the specialist. It has been said "this is the age of specialists and expert witnesses. The Referendum idea rests on the theory that all men are specialists in everything." In reply to this it may be flatly affirmed that the Referendum idea rests on nothing of the kind, but on the theory of the sovereignty of the people, and that its aim is not the silly and futile one of trying to turn all men into specialists but an effort, more or less rational as the case may be, to

effect the coöperation of the people with the specialist in the making of the law. Such a coöperation of the expert and the people is already to be found in the well-known institution of trial by jury; and just as the judge and the lawyers on the one hand and the jurymen on the other are expected to work together to the intent that justice may be done, so the Referendum contemplates the coöperation of constituents and representatives in legislative acts. Not then to abolish the well recognized differences in human ability nor to dispense with the inestimable services of the specialist is the Referendum proposed, but as a means of bringing both specialist and layman together for the promotion of social justice and the extension of political education. The people need the guidance and enlightenment which the knowledge of the experts can bestow, and the experts in their turn need to have their more highly technical wisdom corrected or modified by the oftentimes saner and more practical judgments of the people.

The need of coöperation, in matters political, between the people and the specialist is manifest moreover in many other ways; for the expert in theology or politics, be it remarked, bears a different relation to the people than the expert in surgery or navigation. The passengers upon an ocean liner have no advice to give the Captain that is worthy of his consideration, neither is the Captain called upon for his part to hold a public meeting in the cabin in order to ascertain the will and opinion of the passengers as to the navigation of the ship. And the rational ground for the divorce of the expert from the people in this particular instance is the fact that seamanship is the Captain's affair alone. The people on board have no part or lot in it. They do not share with the Captain either the seaman's life or the seaman's experience. There is no reason in the nature of things, therefore, why the passengers should coöperate in the navigation of the ship, for the blood of the navigator is not in their veins nor the eye of the navigator in their heads.

In matters of State on the other hand, as also in matters of religion, such is not the situation of affairs. Man is not a seaman by nature, but he is by nature a religious and political being. In these respects the people share with their leaders

a common life: common interests, common problems, common tasks. The welfare of the State, as the welfare of the Church, is not the leaders' affair alone but the affair of the people as well; and if the people abdicate their political functions or the leaders usurp an illegitimate power the safety of political life and institutions is in peril. It is therefore because political life, as religious life, is a common possession and a common duty that the coöperation of expert and people is required in affairs of State. The failure to coöperate is a menace to the public weal. The safety of an ocean liner demands that the passengers shall place themselves without reserve in the keeping of the Captain and trust implicitly in his experience and skill. There can from the nature of the case be no coöperation whatever between him and them in navigation. In such a case the expert must reign supreme and absolute, for there is no forum of common experience in which they can meet and function.

But such a separation of expert and people in matters political or religious is fraught with peril and leads in the end to anarchy or death. In political as in religious life the expert and the people must coöperate, because it is a common task they have in hand and a common life they have to develop. The divorce of the one from the other has over and over again in the history of the world produced political disaster or disease. The expert suffers and the people suffer by their isolation from each other. The corruptest periods of the Church have been those in which the theological expert reigned supreme and arrogated to himself the proud assumption that religion was wholly or chiefly his concern; whereas the leaders who have done most for human development have been those who, in company with the people, have fought for the common cause of religious and political freedom. The divorce of expert and people in matters political as in matters religious works therefore harm to both. It works harm to the expert by developing all those haughty and corrupt affections which lead to tyranny, luxury and greed. It works harm to the people by depriving them of those inherent rights of function whose loss means moral and political enfeeblement. From 1620 to 1768 the Jesuits held sway in the Middle Parana region of the coun-

try of Paraguay. Here they gathered together within their little realm as many as a hundred and forty thousand souls. Their form of Government was a divine paternalism, and in accordance with its principles they dispensed to a submissive folk the treasures of the Gospel and the Law. In 1768 these Jesuits were expelled, and the people whom they had governed after the manner of the expert lapsed into savagery. A century and a half of benevolent paternalism had left these people still children in political and religious life. They had been taught to obey but not to function as free and responsible beings, and so, with the removal of their trusted leaders, they reverted to their primitive estate. The land, too, that was once so populous and cultivated is now "a silent wilderness, where the solitary traveler occasionally stumbles upon the picturesque ruins of some Christian Church."

Such is the practical as well as the logical consequence of expert rule. Hence the experts dare not govern alone and the people dare not let them. "In this country of ours," said President Roosevelt the other day, "the average citizen has got to devote a good deal of thought and time to the affairs of the State as a whole or those affairs are going to go backward." So does our Chief Executive express the expert's need of popular coöperation in political affairs. And it is a need the people ought to feel and strive to satisfy, for man is by nature a political being: political life is his birthright, and he dare not be so indifferent to its wondrous worth as to barter it away to any political Jacob for a poor mess of pottage and benevolent fraternalism.

The source of all law is the mind of man and the public weal is every man's concern. Therefore is the education of the mind in the evolution of law and of the will in the fulfilment of it a paramount and pressing duty. So is it once more apparent that the political education of the people is essential to the welfare of individual and State, and the Referendum is of profound ethical significance in that it reminds us of it.

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